

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JAMES DRAUCKER,
#23-000262

v.

STATE OF TEXAS

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CIVIL ACTION NO. 3:23-CV-1043-S-BN

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Objections were filed. The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge. The Court therefore **DENIES** Petitioner James Draucker's construed motion under Federal Rule of Civil Procedure 59(e) [ECF No. 31] and **DIRECTS** the Clerk to reopen and then close this case solely for statistical purposes.

In connection with Petitioner's Objections and Other Motion ("Objections") [ECF No. 33], Petitioner moved to compel the Court to "state what discovery and evidence it has on file," made a request for appointment of counsel, and requested "oral discussion." Objs. 3-4. The motion to compel is **DENIED**, as Petitioner has not provided any legal basis for the relief he seeks. The request for appointment of counsel is **DENIED**, as Petitioner has not shown that exceptional circumstances require the appointment of counsel under 28 U.S.C. § 1915(e)(1). Finally, the request for "oral discussion" is **DENIED**. In support of his request for "oral discussion," Petitioner

appears to cite Federal Rule of Appellate Procedure 34. That rule does not apply in this Court, and Petitioner has not otherwise provided a reason for the Court to hear oral argument at this late stage.

SO ORDERED.

SIGNED September 8, 2023.



UNITED STATES DISTRICT JUDGE